UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,518	10/25/2000	Olivier Daude	FR9-1999-0110 US1	2590

7590   06/23/2006

BRACEWELL & PATTERSON, L.L.P.
INTELLECTUAL PROPERTY LAW
P.O. BOX 969
AUSTIN,, TX 78767-0969

EXAMINER
LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUN 2 3 2006

Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/696,518
Filing Date: October 25, 2000
Appellant(s): DAUDE ET AL.

Matthew W. Baca, Registration No. 42,277
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 17 June 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,424,654	DAIZO	07-2002
5,884,024	LIM et al.	03-1999

R. Droms et al. Authentication for DHCP Messages. August 1998. IETF: Internet Draft.

p. 1-13Douglas E. Comer "Internetworking with TCP/IP Principles, Protocols and Architectures"

4th Edition. 2000. p. 455.

"The Authoritative Dictionary of IEEE Standards Terms" 7th Edition. 2000. p. 1233.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 6-10, 14, 19-23, 27, 30, and 32-36 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent No. 6,424,654 to Daizo, hereinafter Daizo, in view of

"Authentication of DHCP Messages" to Droms et al., hereinafter Droms, and in further view of

U.S. Patent No. 5,884,024 to Lim et al., hereinafter Lim.

(10) Response to Argument

In response to the Applicant's argument that Droms does not disclose authenticating a server using server identification data, the Examiner respectfully disagrees. As cited in the office action, Droms discloses two techniques for authenticating DHCP servers. Protocol 0 discloses using a server authentication token to authenticate the DHCP server. The token is received by the client and compared to a shared token, if the tokens match the server is authenticated, if not the client must discard the message. With Protocol 1 the server replies with a DHCPOFFER message that includes authentication information, including entity authentication information.

Therefore Droms discloses authenticating a DHCP server using server identification data, as represented by the authentication token and the authentication information included in the DHCPOFFER message.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, such as the server identification data being an IP address (Specification page 23, lines 27-30, page 24, lines 9-12, Appeal Brief page 7, 2nd paragraph), are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Addressing the point that the server identification data is the server's IP address, the Examiner would like to point out that two of the references disclose the format of DHCP messages (Lim and Daizo, both Figure 4) and the other clearly discusses the use of them. As shown by the figure 4 of both Lim and Daizo, DHCP messages clearly include the server's IP address. This is further supported by **Internetworking with TCP/IP: Principles, Protocols,**

and Architectures, by Douglas E. Comer, on page 455, which shows the typical format of a

DHCP message. As indicated by Figure 23.5, DHCP messages include the server IP address, as

well as the server host name.

Therefore, Daizo, Lim, and Droms all disclose the server supplying identification data as

the server's IP address in DHCPOFFER messages.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies, such as the server

checker client, are not recited in the rejected claims. Although the claims are interpreted in light

of the specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As it is defined on page 20 of the

specification, a server checker client is merely a program running on a workstation. For the

examination purposes the Examiner has given the broadest reasonable interpretation to server

checker client and has interpreted it as meaning a client or workstation.

In response to the applicant's argument that the references fail to disclose unicasting host

configuration requests from the client to the unauthorized DHCP server, the Examiner

respectfully disagrees. **The Authoritative Dictionary of IEEE Standards Terms, 7th Edition,**

hereinafter IEEE, defines unicasting as a transmission mode in which a single message is sent to

a single network destination, i.e. one-to-one. As disclosed in Lim in column 2, lines 27-34, a

single client obtains IP address leases from a single DHCP server, thereby disabling the server.

Therefore, Lim teaches unicasting host configuration requests from the client to the

unauthorized DHCP server.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as cited in the office action, the references provide a teaching, suggestion and motivation to combine the references. Droms states on pages 1 and 2 that detecting an unauthorized DHCP server would prevent a denial of service attack directed toward the clients. The detecting of the unauthorized server would establish a "rogue" server with the intent of providing incorrect configuration information to the client in order to conduct a "man in the middle" attack. Lim also states that by a single client obtaining all the IP address leases from a single DHCP server it prevents other clients from obtaining an IP address, thereby preventing clients from receiving false configuration information and becoming the victims of denial of service or man in the middle attacks.

In response to the Applicant's response that none of the references disclose a server table, or a list of authorized DHCP servers, the Examiner disagrees. Lim discloses a trusted identifier database in figure 6, and column 6, line 55 to column 7, line 20.

Therefore, the Lim discloses the use of a server table and a list of authorized servers. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Christian LaForgia
Patent Examiner
Art Unit 2131

clf $\mathcal{C}\mathcal{L}\mathcal{F}$
June 14, 2006

Conferees
Christopher Revak   **CHRISTOPHER REVAK**
Primary Examiner   **PRIMARY EXAMINER**
Art Unit 2131

Ayaz Sheikh
Supervisory Patent Examiner
Art Unit 2131

BRACEWELL & PATTERSON, L.L.P.
INTELLECTUAL PROPERTY LAW
P.O. BOX 969
AUSTIN, TX 78767-0969